IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Bail Appl..No. 4441 of 2007()

CRMP.1914/2007 of JUDL.M.F.C.-I,ERNAKULAM

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(CRIME NO.29/2007 OF RAILWAY POLICE ON THE FILE OF JUDL.FIRST CLASS MAGISTRATE COURT-I, ERNAKULAM)

PETITIONER - PETITIONER/ACCUSED

BASHEER, S/O.KUNJU MUHAMMED, AGED 32
YEARS, NAIKAMA KUNNATHU VEETTIL, PAZHURI
KARA, SULTHAN BATHERY VILLAGE, WAYANAD DIST.

BY ADV. SRI.T.N.HAREENDRAN

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO.4441 OF 2007

Dated this the 27th day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.380 of the IPC. He is involved in one other similar crime also. It is alleged that the petitioner had committed theft of mobile phone of a railway passenger. The other crime against him is also similar. The petitioner has remained in custody from 9/6/07. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that the petitioner may be enlarged on bail.

2. The learned Public Prosecutor vehemently opposes the application. Even though the petitioner is specifically proceeded against in one other crime only, the nature of the allegations may be taken into consideration. The petitioner may not be enlarged on bail. Directions may be issued to the learned Magistrate to expedite the trial, it is prayed.

3. On the basis of the submission of the learned Public Prosecutor, a report of the learned Magistrate was called for. The report shows that the charges have already been framed. The matter stands listed for trial to 7/8/07. The witnesses have been summoned to appear on that day.

4. In the peculiar facts and circumstances of this case, I am satisfied that the interests of justice will be served by directing the learned Magistrate to dispose of the case expeditiously. The learned Magistrate shall post the case day-to-day and ensure that the final orders are passed by 7/10/07. If the case were not disposed of by then, the petitioner shall be at liberty to approach this Court for bail again.

5. This petition is accordingly dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge